

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
vs.	)	CR No. 05-1849 JH
	)	
DANA JARVIS, et.al.,	)	
	)	
<i>Defendant.</i>	)	

**UNITED STATES' SECOND MOTION FOR AMENDED FINAL ORDER OF  
FORFEITURE REGARDING COMPASS BANK ACCOUNT AND FIREARMS**

The United States moves this court to enter a Second Amended Final Order of Forfeiture regarding:

all United States currency, funds, or other monetary instruments credited to Compass Bank (\$25,056.74 and \$16,523.75) Account No. 87080587 in the name of Continental Steel West Corp.,

and the following items:

- a. S&W Police Positive 38 Special Blue #984343;
- b. Ruger Single-Six Revolver 22 Cal Blue #60-82674;
- c. Charter Arms 22LR Revolver Blued Model 2223 #678546;
- d. Ruger MK II 22LR 6-inch Barrel Auto #18-32192;
- e. Ruger MK I 22LR 4-inch Barrel Auto #12-28823;
- f. Ruger MK I 22LR 6-inch Barrel Auto #11-47070;
- g. Grinder P-10 CAL 380 Auto Parkerized #01913;
- h. Cobray Mac II 9MM Cal #89-0046803;
- i. Daisy Mod 722 Air Pistol .22 Cal #J2-42820;
- j. RWS Model I5G Air Pistol .177 Cal #590276;
- k. Chinese SKS 7.62 Cal #1807093;
- l. Chinese SKS 7.62 Cal #7101565;
- m. Chinese Norinco MHM90 7.62 Cal #MS500847;
- n. Ruger Mini 14 Stainless Folder 223 Cal #183-63246;
- o. Daisy BB Gun Model 845 (no serial number);
- p. Chinese Air Rifle .22 Cal #P311947;
- q. "Thumper" 37 mm Flare Launcher (no serial number); and
- r. Winchester Model 1300 Pump "Defender" #L2877309;

s. HK USP 40 Cal Pistol Serial No. 22-330455

(Hereafter referred to as “Subject Property.”)

As grounds for this motion the United States states as follows:

1. On April 11, 2011, this Court entered a Consent Preliminary Order of Forfeiture (Doc. 1997) forfeiting to the United States all right, title and interest in the account and firearms (a) through (r) listed above, but inadvertently excluded the firearm listed as (s) HK USP 40 Cal Pistol Serial No. 22-330455.

2. Pursuant to the Consent Preliminary Order of Forfeiture, the United States duly published a notice of criminal forfeiture (Docs. 2026 and 2063) of the account and of items (a) through (s) listed above on an official government internet site at [www.forfeiture.gov](http://www.forfeiture.gov) for at least 30 consecutive days, from April 15, 2011 through May 14, 2011 and August 2, 2011 through August 31, 2011 with respect to the Subject Property.

3. No Third Party Claims for adjudication were filed pursuant to 21 U.S.C. § 853(n) for the account or for items (a) through (s). Therefore, the entry of a final order of forfeiture regarding the Subject Property is proper.

4. The United States therefore filed a Motion for Final Order of Forfeiture (Doc. 2066), but inadvertently excluded the firearm(s) HK USP 40 Cal Pistol Serial No. 22-330455. The resulting Final Order of Forfeiture (Doc. 2071) also excluded firearm(s) HK USP 40 Cal Pistol Serial No. 22-330455.

5. The United States corrected the oversight by obtaining an Amended Final Order of Forfeiture (Doc. 2094) that included the correction.

6. The U.S. Marshal’s Service has advised that the firearms serial numbers for items

b, g, h, k, l and p in the Amended Final Order of Forfeiture (Doc. 2094) are incorrect. Therefore, a Second Amended Final Order of Forfeiture is necessary.

WHEREFORE, the United States respectfully requests that this Court enter a Second Amended Final Order of Forfeiture Regarding the Subject Property, which forfeits all right, title and interest in the Subject Property to the United States and vests title thereto in the United States.

Respectfully Submitted,

KENNETH J. GONZALES  
United States Attorney

Electronically filed April 24, 2012  
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I HEREBY CERTIFY that on April 24, 2012, I filed the foregoing pleading electronically through the CM/ECF system, which caused the parties or counsel to be served by electronic means, as more fully reflected in the Notice of Electronic Filing.

/s/  
STEPHEN R. KOTZ  
Assistant U.S. Attorney